

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17365 OF 2007

Dated 14-08-2007

Between:

M/s Handum Industries Limited

...Petitioner

And

The Additional Commissioner and
another

...Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.17365 OF 2007

ORDER *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The grievance of the petitioner is that the stay petition filed by him before the Additional Commissioner-the first respondent, pending disposal of the appeal by the Sales Tax Appellate Tribunal, has been dismissed.

We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would be met if stay of collection of disputed tax is granted pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we direct that on deposit of 50 per cent of the disputed tax by the petitioner, within a period of four weeks, there shall be stay of recovery of the disputed tax. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount already paid by the petitioner shall be

given credit to.

The writ petition is accordingly disposed of. No costs.

(Bilal Nazki,J)

Dated 14th August, 2007

(Nooty Ramamohana Rao,J)

vrn